
RESERVATION

Indian Child ON Reservation

A complaint of suspected child abuse or neglect of any Indian child **who resides or is domiciled on lands within exclusive jurisdiction of the tribe** must **not** be investigated by the department unless a special written agreement exists between the tribe and the department for responding to after hours and weekend emergencies. These agreements exist between MDHHS and the Sault Ste. Marie Tribe of Chippewa Indians, the Keweenaw Bay Indian Community and the Lac Vieux Desert Band of Lake Superior Chippewa Indians.

Indian Child OFF Reservation

A complaint of suspected child abuse or neglect involving any Indian child **who resides off the reservation** requires that the worker determine at this initial stage whether an Indian child is involved; see NAA 200, Identification of An Indian Child.

Tribal Jurisdiction

If an Indian child resides on a reservation, where the tribal court has jurisdiction, MDHHS or the Family Division of Circuit Court may not intervene unless there is a special written services agreement between the tribe and MDHHS. See the Tribal Agreements Manual (TAM) group for tribal after-hours agreements.

Tribal jurisdiction is a legal determination of court, law enforcement authority and tribal service authority based upon recognized reservation/trust land of the tribe by the Bureau of Indian Affairs (BIA).

Tribal Service Area is determined by the BIA and does not necessarily represent actual reservation/trust land or historical tribal reservation land/territory.

Caseworkers must contact the tribal social service department to verify tribal jurisdiction on a case. If there is a disagreement regarding tribal jurisdiction, caseworkers must contact the Office of Native American Affairs (ONAA) for clarification or dispute resolution per tribal consultation plan agreement(s); see TAM.

The State Attorney General, BIA, and tribes are the final authority in disputes regarding tribal jurisdiction.

Caseworkers should consult the BIA Guidelines for State Court and Agencies in Child Custody Proceedings

http://www.michigan.gov/documents/dhs/BIA-Guidelines-for-State-Courts-2015_482687_7.pdf?20150521084636 and the State Court Administrator's Indian Child Welfare Act of 1978: A Court Resource Guide regarding requirements/best practices and courts at: <http://courts.mi.gov/Administration/SCAO/OfficesPrograms/CWS/Pages/CIP.aspx>.

CENTRALIZED INTAKE

Children's Protective Services (CPS) complaints are a central statewide function (located in Kent County) and must be made according to centralized intake (CI) policy utilizing a DHS 3200, Report of Actual or Suspected Child Abuse or Neglect form, for mandated reporters.

CI contact information includes: Phone: 1-855-444.3911, email: DHS-CPS-CIGroup@michigan.gov, or fax: 616-977-1154 and 616-977-1158.

CI has tribal specific policy regarding collateral contacts for verifying tribal jurisdiction and obtaining background family information on CPS complaints; See CI Tribal Specific Protocol.

Local CPS caseworkers assigned to CPS cases require ongoing pursuit of Indian ancestry regardless of initial CI determination of Indian child(ren) in the home; see ICWA/MIFPA Field Guide at http://www.michigan.gov/documents/dhs/ICWA_FieldGuide_6-2012_390313_7.pdf?20150521145327.

Caseworkers and supervisors must utilize the [Indian Child Welfare Act \(ICWA\) Performance Checklist](#) for case management and monitoring.

Best-practice tip: Local CPS caseworkers should contact tribal social service representative of child(ren)'s tribal affiliation to collaborate on investigation, case planning and recommendations.

LEGAL BASIS

Indian Child Welfare Act, 25 USC 1901 et seq.

Michigan Indian Family Preservation Act, MCL 712B. 1 - 41.